SINGLE BENCH

IN THE HIGH COURT OF JUDICATORE AT BILASPUR

CHHATTISGARH

W.P. NO. 2929 **/2006**

PETITIONERS :

1] R.K. Rathore, Aged about 49 years, S/o. Raghunath Prasad Rathore, R/o. Daroga Para, Raigarh, Distt Raigarh (CG)

2] Ajay Kumar Kamde, S/o. Deenanath Kamde, Aged about 45 years, R/o. Bajirao Para, Raigarh, Distt Raigarh (CG)

3] Kedarnath Rathore S/o. Late Kamal Sai Rathore, Aged about 46 years, R/o. Jhulelal Mandir, Sindhi Colony, District Janjgir-Champa (CG)

W.P. No. 2982/06 Presented by Shri VKADhrkadhan dated 20/8/06

VERSUS

RESPONDENTS :

1] State of Chhattisgarh, Through: Secretary, Panchayat and Gramin Vikas Vibhag, D.K.S. Bhawan, Raipur (CG)

2] Secretary, Water Resources Department, D.K.S. Bhawan, Raipur (CG)

3] Development Commissioner, Panchayat and Gramin Vikas Vibhag, Raipur, District Raipur (CG)

4] Kiran Kumar Bajhalwar, Assistant Engineer, Chief Engineer, Minimata, Hasdeo Bango Bandh, Mandal Kharsiya, Posted as Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Lailunga, District Raigarh (CG)

5] Inak Mehto, Assistant Engineer, Executive Engineer, Water Resources Division, Pendra Road, Posted as Assistant Engineering in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Pendra, District Bilaspur (CG)

6] Amitabh Jha, Assistant Engineer, Sub-Divisional Officer, Hasdeo Pariyojana Mandal, Rampur, Korba, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, District Korba (CG)

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7] Satish Kumar Jadhav, Assistant Engineer, Water Resources Division, Khongsara, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Kota, District Bilaspur (CG)

8] K.R. Bhalkar, Assistant Engineer, P.P. Executive Engineer, Mahanadi Pariyojana, Raipur, Posted as Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Arang, District Raipur (CG)

9] Ajay Kumar Somawar, Assistant Engineer, P.P. Sub-Divisional Officer, Water Management, Sub-Division, Sarangarh, Posted as Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Tamnar, District Raigarh (CG)

10] G.B. Singh, Assistant Engineer, P.P. Executive Engineer, Minimata, Division No.-3, Sakti, Posted as Assistant Engineer in the office of Pariyojana Mandal, Pradhanmantri Gram Sadak Yojna, Raigarh (CG)

11] Rajesh Kumar Joshi, Assistant Engineer, P.P Chief Engineer, Hasdeo Kachhar, Bilaspur, Posted as Sub-Divisional Officer, posted in the office of Gramin Yantriki Sewa, Sub-Division Pathariya, District Bilaspur (CG)

12] Rajendra Kumar Mishra, Assistant Engineer, P.P Chief Engineer, Hasdeo Kachhar, Bilaspur, Posted as Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Baloda, District Janjgir (CG)

13] P.P. Jain, Assistant Engineer, Executive Engineer, Minimata, Bango Nagar Division-2, Champa, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Pathalgaon, District Jashpur (CG)

14] Abhay Kumar Hajari, Assistant Engineer, P.P. Executive Engineer, Minimata, Bango Nagar Division-3, Sakti, Posted as Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Malkharouda, District Janjgir (CG)

15] K.S. Choudhari, Assistant Engineer, Executive Engineer, Water Resources Division, Kota, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Pendra, District Bilaspur (CG)

16] Kishore Kumar Singh, Assistant Engineer, Executive Engineer, Water Resources Division, Korba, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Dharamjaigarh, District Raigarh (CG)

17] Ashok Kumar Tiwari, Assistant Engineer, Executive Engineer, Mongara Pariyojana Division, Dongargaon, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai No.2, District Rajnandgaon (CG)

18] P.P. Jaiswal, Assistant Engineer, Executive Engineer, Water Resources Division, Janjgir-Champa, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Sakti, District Janjgir (CG)

19] R.A. Sharma, Assistant Engineer, Adhikshan Abhiyanta, Minimata, Bango Nahar No.3, Janjgir, Posted as Assistant Engineer, Pariyojana Mandal, Pradhanmantri Gram Sadak Yojna, Janjgir (CG)

20] S.R. Minj, Assistant Engineer, Executive Engineer, Minimata, Bango Nahar Division -6, Sakti, Posted as Assistant Engineer in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Sakti, District Janjgir (CG)

21] S.P. Sharma, Assistant Engineer, Water Resources Division, Kota, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Kota, District Bilaspur (CG)

22] K.C. Jain, Assistant Engineer, Water Resources Sub-Division, Ratanpur, posted as Assistant Engineer, Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Pendra, District Bilaspur (CG)

23] A.K. Badiye, Assistant Engineer, Water Resources Sub-Division, Sakti, posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Sakti, District Janjgir (CG).

24] K.S. Choudhari, Assistant Engineer, Water Resources Department, Sub-Division Champa, Posted as Assistant Engineer in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Sakti, District Janjgir (CG).

25] M.R. Patel, Assistant Engineer, Water Resources Sub-Division, Dabhra, Posted as Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Jaijaipur, District Janjgir (CG).

26] B.L. Banwe, Assistant Engineer, Water Resources Division, Janjgir, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Sakti, District Janjgir (CG).

27] K.P. Singh, Assistant Engineer, Water Resources Division, Janjgir, posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Dharamjaigarh, District Raigarh (CG).

28] K.L. Chandra, Assistant Engineer, Water Resources Division, Janjgir, posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Dharamjaigarh, District Raigarh (CG).

29] D.K. Mishra, Assistant Engineer, Barnai Division, Ambikapur, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Surajpur, District Ambikapur (CG).

30] Anant Ram Koshta, Assistant Engineer, Barnai Division, Ambikapur, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Surajpur, District Ambikapur (CG).

पदेन आयुक्त
एस.के. शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील के

31] M.S. Raj, Assistant Engineer, Gej Bandh, Sub-Division, Baikunthpur, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Surajpur, District Ambikapur (CG)

32] R.K. Sahu, Assistant Engineer, Barnai Bandh Sub-Division, Badadamali, Ambikapur, Posted as Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai No.2, District Ambikapur (CG)

33] S.K. Nema, Assistant Engineer, Ghongha Shirsh Karya Sub-Division Kota, Posted as Assistant Engineer in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Kota, District Bilaspur (CG)

34] M.A. Siddhique, Sub-Engineer, Water Resources Division, Pendra/Marwahi, Posted as Incharge Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Pendra, District Bilaspur (CG)

35] K.K. Baghel, Sub-Engineer, Water Resources Division, Marwahi, District Bilaspur, posted as Incharge Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Pendra, District Bilaspur (CG)

36] M.K. Nema, Sub-Engineer, Water Resources Division, Marwahi, District Bilaspur, posted as Incharge Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Bhatapara, District Raipur(CG)

37] Sanat Kumar Sharma, Sub-Engineer, Water Resources Division Raipur, posted as Incharge Assistant Engineer, Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Baloda Bazar, District Raipur (CG)

38] R.B. Soni, Sub-Engineer, Chhattisgarh Gramin Vikas Abhikaran, Raipur, Posted as Incharge Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, Saraipali, District Mahasamund (CG)

39] Rakesh Sahu, Sub-Engineer, Pariyojana Kriyanvayan Ekai, Raipur, Posted as Incharge Assistant Engineer, in the office of Pradhanmantri Gram Sadak Yojna, Pariyojana Kriyanvayan Ekai, District Raipur (CG)

40] Kamlesh Kumar Singh, Sub-Engineer, Water Resources Division, Janjgir Champa, posted as Incharge Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Akaltara, District Janjgir (CG)

41] G.D. Katariya, Sub-Engineer, Water Resources Division Marwahi, District Bilaspur, Posted as Incharge Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Khadgawan, District Korea (CG)

42] R.S. Ajmani, Sub-Engineer, Office Executive Engineer, Water Management Division -1, Raipur, posted as Incharge Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Pusaur, District Raigarh (CG)

43] G.R. Sahu, Sub-Engineer, Janpad Panchayat, Berla, Posted as Incharge Sub-Divisional Officer, in the office of Gramin Yantriki Sewa, Sub-Division Durg, District Durg (CG)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

123

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	14-7-2006 W.P.Nos.1000/2006, 968/2006, 970/2006, 971/2006, 973/2006, 974/2006, 1034/2006, 1173/2006, 1182/2006, 1241/2006, 1242/2006 & 2929/2006. Petitioners by Shri P. Diwakar & Shri Manindra Shrivastava, Senior Advocates with Kum. Sunita Jain, Shri Afroz Khan, Shri Anup Mazumdar, Shri Rajesh Jain, Smt. Yashita Maseeh on behalf of Smt. Hamida Siddique, Shri Manoj Paranjpe, Advocates. Shri Rajeev Shrivastava, counsel for respondent No.4 in W.P. No.971/2006. Shri Pankaj Shrivastava, counsel for respondents No.12, 18 & 30 in W.P.No.1000/2006. Shri Vinay Pandey, counsel for respondents No.13, 32 & 42 in W.P. No.1000/2006. State/respondents by Shri P.K. Verma, Additional Advocate General with Shri V.V.S. Murthy & Shri G.K. Beriwal, Deputy Advocate Generals and Shri Sumesh Bajaj, Government Advocate. Shri R.P. Mandal, Secretary, Panchayat & Rural Development Department; Shri N.S. Bhadoriya, Engineer-in-Chief, Water Resources Department; Shri M.L. Haldkar, CEO, CGRRDA; Shri S.K. Gupta, Chief Engineer, Rural Engineering Services; Shri S.N. Shrivastava, Superintending Engineer, PMGSY, Circle: Raipur & Officer-in-Charge, and Shri Subodh Shrivastava, Executive Engineer, Water Resources Departments & Officer-in-Charge are present in Court.	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

124

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Heard. By these writ petitions, the petitioners, who are working on various posts in the Department of Rural Engineering Services, have questioned the legality and correctness of orders dated 17-2-2006 and 12-6-2006, whereby the Sub-Engineers of Water Resources Department have been appointed/ transferred in the Rural Engineering Services Department. As far as the impugned orders dated 17-2-2006 & 12-6-2006 are concerned, same are already quashed vide order dated 14-7-2006 passed in W.P.Nos.1103/2006 & 2921/2006 and similar other connected petitions. As far as the prayer made by the petitioners that respondent No.1 be directed not to post any person on deputation in the RES Department, is concerned, Shri Pramod Verma & Shri V.V.S. Murthy made a statement at the Bar that the Department is not going to appoint any Officer by way of deputation/appointment/transfer on any post of the Rural Engineering Services Department which are regular sanctioned posts as per scheduled attached with the rules and are lying vacant. Therefore, in view of the statement made at the Bar by Shri P.K. Verma and Shri V.V.S. Murthy in presence of the Officers of the State, the petitions are allowed to the extent that the existing post of RES Department shall not be filled by way of deputation/transfer/appointment by bringing officials from the other Departments. As far as the prayer that the respondents be directed to convene DPC and fill up the promotional posts which are lying vacant, is concerned, at the first instance, the respondents have already made it clear in reply that they	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

125

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	are going to fill up these posts. Even today, at the Bar, a statement has been made that the Department is in the process of filling up of these posts by way of promotion, in accordance with the rules. Therefore, in view of the above statement, the relief claimed by the petitioners' stands answered. In the above terms, the petitions are allowed and orders dated 17-2-2006 & 12-6-2006 are quashed Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	

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